

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MISTY M. CHINGREN,

Plaintiff,

vs.

KEITH M. KELLY,

Defendant.

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8:04CV370

ORDER

This matter is before the court on defendant's OBJECTION TO NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM (#21) for defendant's bank records. Apparently, the notice was served by plaintiff's former attorneys on or about June 2, 2005; however, the notice was not filed of record. Plaintiff was given until July 25, 2005 to respond to the Objection. No response was filed.

Due to the change in counsel, I find that defendant's Objection should be sustained, but without prejudice to substitute counsel filing a renewed notice of intent to subpoena the records or requesting production of the records pursuant to a protective order. Arguments regarding relevancy and confidentiality may be raised at that time, as necessary.

IT IS SO ORDERED.

DATED July 26, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**